

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

MAR 03 2005

FILED

IN THE MATTER OF THE DENIAL OF  
APPLICATION FOR LICENSE FOR  
RINISKI MCGLOWN

)  
) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW, RECOMMENDED ORDER  
) AND ORDER  
)  
)  
) CAUSE NO. A-1611  
)

This matter came on for hearing on the 22<sup>nd</sup> day of February, 2005, before Keri M. Schechinger, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The matter arises out of a denial of an application for a resident insurance producer's license. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christy Neighbors. Riniski McGlown ("Applicant") was present and was not represented by counsel. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Applicant and Department presented evidence and testimony at the hearing and the matter was taken under advisement. The hearing officer hereby makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
2. On or about November 4, 2004, McGlown applied for a resident insurance producer's license. See Exhibit 1. Applicant paid the appropriate fees. See Exhibit 1. Applicant's current address is listed as 5306 Woodlane, Omaha, NE 68133. See Exhibit 8.
3. In response to Part III, Question B of the insurance producer license application, Applicant indicated that he had previously been convicted of or pled nolo contendere (no contest)

to any misdemeanors or felonies or currently had pending misdemeanor or felony charges filed against him. See Exhibit 1. Attached to that application was a copy of a Judgment in Criminal Court in the United States District Court in the District of Nebraska, which indicated that Applicant had pled guilty to, and been found guilty of, Conspiracy to Distribute Ecstasy. See Exhibit 1.

4. On or about January 5, 2005, Beverley Creager, Licensing Administrator for the Department, notified Applicant that his application for an insurance producer's license was denied based on his conviction of a felony or Class I, II, or III misdemeanor, under Neb. Rev. Stat. § 44-4059(1)(f), and notified him of his right to request a public hearing within thirty days of his receipt of the denial letter if he wished to appeal the denial. See Exhibit 1.

5. On or about February 2, 2005, Applicant requested a hearing to appeal the Department's denial for an insurance producer's license. See Exhibit 2.

6. Applicant testified that he is currently employed as a salesperson with Performance Chrysler and, if licensed, would sell credit insurance to customers of Performance Chrysler in connection with the purchase of motor vehicles. He also testified that the position was a managerial position and that it would enable him to better provide for his family.

7. On or about April 3, 2002, Applicant successfully completed a chemical dependency program through Lutheran Family Services. See Exhibit 4.

8. On or about September 11, 2002, Applicant was convicted of Conspiracy to Distribute Ecstasy, a Felony, which had concluded on December 10, 2001, evidenced by Exhibit 1. Applicant was sentenced to thirty months imprisonment in a federal facility; however, the Court recommended to the Bureau of Prisons that the Applicant participate in the 500-hour

Comprehensive Drug Treatment Program and, if he qualified, that he be placed in the Intensive Confinement Program (boot camp). See Exhibit 1.

9. On or about November 13, 2002, Applicant was informed that he was to report for the Intensive Confinement Program (boot camp) in California, and that his release date was to be computed by the Bureau of Prisons. See Exhibit 3.

10. Applicant testified that, in July of 2003, he was released from the Intensive Confinement Program and was placed on home confinement. Applicant also testified that he was allowed to work but was otherwise required to remain at home.

11. Applicant testified that he has been employed with Performance Chrysler since July of 2003 and has been employed as a salesperson at Performance Chrysler since the Motor Vehicle Industry Licensing Board granted his application to sell vehicles.

12. On July 28, 2004, Applicant was placed on supervised release. See Exhibit 7. Applicant currently maintains excellent standing with the U.S. Probation Office. See Exhibit 7.

13. Jess Hull testified on behalf of Applicant. Mr. Hull is the Applicant's employer, and testified that he hired Applicant after Applicant requested employment and informed him of his background. He also testified that if Applicant received a license to sell credit insurance, he would be placed in a position of responsibility where he would handle large amounts of money.

14. Applicant provided letters in support of licensure from Terrence Badgett, a consultant and caseworker with the Omaha Home for Boys; Kit Lemon, U.S. Probation Officer; S. Mickey Anderson, President for Baxter Chrysler Plymouth Jeep Jaguar Range Rover; and Tyrone A. Williams, General Manager for Performance Chrysler Jeep. See Exhibits 5, 6, and 7.

15. The granting of a license by the Department is based upon the veracity of the facts disclosed in the application, the testimony given and the evidence introduced into the record at the hearing.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of insurance producers to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.

2. The Department has personal jurisdiction over Applicant.

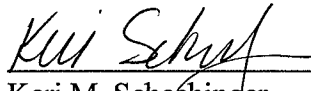
3. The conviction constitutes a sufficient basis for denying a license to Applicant pursuant to Neb. Rev. Stat. §44-4059(1)(f).

#### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended to the Director of Insurance that the Director approve applicant's request for licensing as an insurance producer with such license limited to credit insurance through the offices of his current employer. If, in the future, Applicant seeks to add additional lines of insurance to his license, Applicant must appear before the Director at hearing.

Dated this 1st day of March, 2005.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

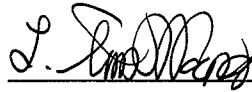
  
Keri M. Schechinger  
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order, providing for the approval of Applicant's request for an insurance producer's license limited to credit insurance, is adopted as the official and final Order of this Department in The Matter of the Denial of Application For License For Riniski McGlown, A-1611.

Dated this 3rd day of March, 2005.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant, by mailing a copy to Applicant at 5306 Woodlane, Omaha, NE 68133, by certified mail, return receipt requested, on this 4th day of March, 2005.

